

2165

Peter Gibson, Reg. #34,605  
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Baltimore, MD 21209 USA

Commissioner of Patents  
Washington, D.C. 20231

Art Unit: 3625 (formerly 2165)  
Facsimile: 703/305-7687

Examiner: James H. Zurita

Re: Application No. 09/543,764  
Applicant: John L. Howes

FAX RECEIVED

JUL 17 2002

GROUP 3600

9/2  
8-6-02

OFFICIAL

July 17<sup>th</sup> 2002

Dear Sir/Madam,

Following please find the below described materials relating to the above identified application for utility patent in response to the first Office action dated 15 January 2002:

1	Transmittal Letter, Certificate of Transmission on:	1 sheet; (this one)
2	Correction of Amendment A on:	4 sheets;
3	Replacement Sheet for Marked-Up Version on:	3 sheets;
4	Replacement Sheets for Clean Version on:	4 sheets; Total: 12 sheets.

Please file the above described materials in the above identified application for patent. Thank you kindly for your service.

Respectfully yours,

Peter Gibson, Reg. #34,605  
Tel. 410/358-5912; Fax -9636

#### CERTIFICATE OF TRANSMISSION

I, Peter Gibson, Reg. #34,605, Agent of Record in Application No. 09/543,764, do hereby attest to facsimile transmission of the above identified materials on 12 sheets on July 17<sup>th</sup> 2002 in response to a verbal requirement in said application dated June 28<sup>th</sup> 2002 to Facsimile Number: 703/305-7687.

July 17<sup>th</sup> 2002

Peter Gibson, Reg. #34,605

July 17<sup>th</sup> 2002

Application No. 09/543,764  
Inventor: John L. Howes

Art Unit 2165

Examiner: James H. Zurita  
Filed: 5 April 2000

### **CORRECTION OF AMENDMENT A**

1. Applicant respectfully submits that Examiner in the present application for patent notified Applicant by telephonic communication of a deficiency in Amendment A month as filed with Applicant's Response to the First Office Action, and of the imminent posting of a requirement for correction and, in response to Applicant's subsequent telephonic inquiry on July 15<sup>th</sup> 2002, Examiner further indicated that:

- a. correspondence between the 'Clean Version' with the 'Marked-Up Version', and between either with the original, was lacking and it was therefor unclear as to which version of amendment was intended;
- b. an error in claim 2 of the 'Clean Version' repeated in claim 3 was exemplary of the deficiency with Amendment A as filed;
- c. mailing of a requirement for correction had occurred on June 28<sup>th</sup> 2002 setting a one month, non-extendable, period for response; and

in reply to Applicant's request for specific information regarding the requirement, preferably a facsimile copy of the same, Examiner also indicated that:

- d. nothing further could be done by the Office in regard to this requirement;

whereby Applicant indicated that a thorough review of the materials involved would be conducted and submission of a correction of all errors in Amendment A would be made the present week.

continued

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**CORRECTION OF AMENDMENT A**

2. Applicant respectfully submits that all 33 pages of Amendment A have been thoroughly proof read and that the only errors found other than the error identified by Examiner in one version of the amendment occur on pages 23 and 26 of both marked-up and clean versions wherein:
  - a. 'the consumer 11' should have been 'the consumer 10' (page 23, line 17, either version); and
  - b. 'Input data comprising appropriate customer order information 51 is preferably utilized' is not grammatically correct because 'data' is plural and correction has: 'Input data comprising appropriate customer order information 51 are preferably utilized'.
3. Applicant respectfully submits that the marked-up version of Amendment A as filed was in full correspondence with the full original specification including claims and that, aside from the single erroneous reference numeral on page 23 and the grammatical error on page 26 of the specification identified directly above, the marked-up version of Amendment A as filed was wholly without error.
4. Applicant respectfully submits that since the marked up version was wholly in correspondence with the original, and the clean version differed only by failure to correctly effect the modification of one repeated phrase as correctly indicated by the marked-up version, there can be no question of lack of correspondence with the original and little potential confusion as to what the amendment intended.

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5. Applicant respectfully submits that the verbal requirement or correction received, in both a 'heads-up' communication regarding an imminent requirement of correction within 30 days of errors in the amendment as filed and subsequent telephonic communication initiated by applicant on July 15<sup>th</sup> 2002 indicating a mailing date of June 28<sup>th</sup> 2002, is met in the best manner determinable by Applicant in lieu of actual receipt of the requirement in writing by post or facsimile, by the present communication seven sheets in replacement of the corresponding pages in Amendment A placing both clean, (pages 23, 26, 31 & 32), and marked-up, (pages 23, 24 & 26), versions in full correspondence with each other, and provides as efficacious a remedy to the requirement referenced herein as known to applicant which is further assumed to be preferred to a full copy of corrected amendment A on thirty-three pages.

6. Applicant respectfully notes that the present application for patent has been 'made special' under petition, that said application was filed over two years and three months ago, and that Applicant's Response to the First Office Action on 24 sheets including Amendment A on 33 sheets were filed within the three month shortened statutory period for response following an interview in which the language changes effected by Amendment A including the modification to claims 2 & 3 concerned herein were discussed and agreed to as overcoming any rejection under 35 U.S.C. 112 for indefinite language.

continued

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**CORRECTION OF AMENDMENT A**

7. Applicant respectfully submits that the correction of Amendment A effected with substitution of the replacement sheets following, in combination to the response filed in reply to the first Office action which is believed to overcome all grounds of rejection conveyed by said action, places the present application in full and proper condition for allowance which action is further humbly and respectfully requested.

Respectfully yours,

Handwritten signature of Peter Gibson in cursive script, reading "Peter Gibson, Reg. #34,605".

Peter Gibson, Reg. #34,605

Tel. 410/358-5912; Fax -9636